

#4
APD

Attorney's Docket No. 66018-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John S. Fox

Application No.: 09/641,667

Group No.: 1641

Filed: 08/18/2000

Examiner: Changhwa J. Cheu

For: HIGH SENSITIVITY BIOMOLECULE DETECTION
WITH MAGNETIC PARTICLESCommissioner for Patents
Washington, D.C. 20231RESPONSE TO ELECTION REQUIREMENT
PURSUANT TO 35 U.S.C. 121

This response addresses the Election/Restriction requirement dated September 27, 2002, with respect to the above-identified patent application.

The Examiner has indicated that the application contains multiple embodiments that are patentably distinct from one another and create patentably distinct designs. The embodiments have been divided into twenty distinct groupings, Groups I to XX.

Accordingly, Applicant elects to proceed with Group I, claims 1-17.

Applicant further directs the cancellation, without prejudice, of all drawing figures and the corresponding descriptions for the non-elected groups.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

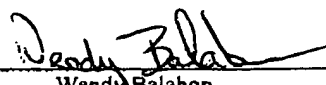
I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office to Examiner Cheu at (703) 308-4556.

Date: March 27, 2003
Wendy Balaban

(Restriction Election —page 1 of 2)

Practitioner's Docket No. 66018-0001
09/641,667

Serial No.

If the Examiner has any questions with respect to this communication, he is kindly urged to call the undersigned.

It is believed that the application is now in condition for allowance.

Any fees required in connection with the filing of this paper, is identified in the accompanying transmittal.

Respectfully submitted,

Dated: March 27, 2003

By:



James R. Kamp, Reg. No. 41,882
Rader, Fishman and Grauer PLLC
39533 Woodward Avenue
Suite 140
Bloomfield Hills, MI 48304
Attorney for Applicant

Telephone: (248) 594-0600

Customer No. 010291

R0180470.DOC

(Restriction Election —page 2 of 2)

** TOTAL PAGE.06 **

03/27/03 THU 15:38 [TX/RX NO 8978] 0006

RADER,**FISHMAN****& GRAUER****PLLC**

Worldwide Intellectual Property Matters • Patents • Trademarks
Litigation • Copyrights • U.S. and Foreign Portfolio Management
Computer and Internet Law • Trade Secrets • Unfair Competition

FAX RECEIVED

MAR 28 2003

OFFICIAL**GROUP 1600**

To: Examiner Changhwa J. Cheu

From: James F. Kamp/wab

Fax: 703-308-4556

Pages: 5 + Coversheet

Phone: 703-306-4086

Date: March 27, 2003

Re: Application No. 09/641,667

☐ Urgent☐ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable laws. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return original message to us at the above address via U.S. Postal Service.
Thank you.

● Comments:

Dear Examiner Cheu:

Attached please find a response to an Election/Restriction for Application No. 09/641,667,
Entitled: High Sensitivity Biomolecule Detection with Magnetic Particles, along with transmittal papers.

39533 Woodward Ave., Suite 140 • Bloomfield Hills, MI 48304 • 248-594-0600 • Fax 248-594-0610 • www.raderfishman.com
Bloomfield Hills • Washington, D.C. • Salt Lake City • Tokyo

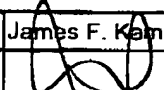
PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003		Complete if Known	
<i>Patent fees are subject to annual revision.</i>		Application Number	09/641,667-Conf. #6732
		Filing Date	August 18, 2000
		First Named Inventor	John S. Fox
		Examiner Name	Cheu, Changhwa J.
		Group Art Unit	1641
		Attorney Docket No.	66018-0001
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$)		985.00	

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td>985.00</td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	410	2252	205	Extension for reply within second month		1253	930	2253	465	Extension for reply within third month		1254	1,450	2254	725	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month	985.00	1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1503	630	2503	315	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))		1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
Large Entity				Small Entity		Fee Description	Fee Paid																																																																																																																																																																														
Fee Code	Fee (\$)			Fee Code	Fee (\$)																																																																																																																																																																																
1051	130			2051	65	Surcharge - late filing fee or oath																																																																																																																																																																															
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																	
1053	130	1053	130	Non-English specification																																																																																																																																																																																	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																	
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																	
1252	410	2252	205	Extension for reply within second month																																																																																																																																																																																	
1253	930	2253	465	Extension for reply within third month																																																																																																																																																																																	
1254	1,450	2254	725	Extension for reply within fourth month																																																																																																																																																																																	
1255	1,970	2255	985	Extension for reply within fifth month	985.00																																																																																																																																																																																
1401	320	2401	160	Notice of Appeal																																																																																																																																																																																	
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																																																	
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																	
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																	
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																	
1453	1,300	2453	650	Petition to revive - unintentional																																																																																																																																																																																	
1501	1,300	2501	650	Utility issue fee (or reissue)																																																																																																																																																																																	
1502	470	2502	235	Design issue fee																																																																																																																																																																																	
1503	630	2503	315	Plant issue fee																																																																																																																																																																																	
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																	
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																	
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))																																																																																																																																																																																	
1801	750	2801	375	Request for Continued Examination (RCE)																																																																																																																																																																																	
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																	
Deposit Account Number: 18-0013 Deposit Account Name: Rader, Fishman & Grauer PLLC																																																																																																																																																																																					
The Commissioner is hereby authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.																																																																																																																																																																																					
FEE CALCULATION 1. BASIC FILING FEE																																																																																																																																																																																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>750</td><td>2001</td><td>375</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>330</td><td>2002</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>520</td><td>2003</td><td>260</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>750</td><td>2004</td><td>375</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$)</td> <td>0.00</td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	750	2001	375	Utility filing fee		1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee		SUBTOTAL (1)				(\$)	0.00																																																																																																																																						
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																		
1001	750	2001	375	Utility filing fee																																																																																																																																																																																	
1002	330	2002	165	Design filing fee																																																																																																																																																																																	
1003	520	2003	260	Plant filing fee																																																																																																																																																																																	
1004	750	2004	375	Reissue filing fee																																																																																																																																																																																	
1005	160	2005	80	Provisional filing fee																																																																																																																																																																																	
SUBTOTAL (1)				(\$)	0.00																																																																																																																																																																																
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE																																																																																																																																																																																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Total Claims</th> <th colspan="2">Extra Claims</th> <th colspan="2">Fee from below</th> <th colspan="2">Fee Paid</th> </tr> <tr> <th>Independent</th> <th>Multiple Dependent</th> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>04/03/2003 MA 18013</td> <td>00000007 180013</td> <td>09641667</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Total Claims		Extra Claims		Fee from below		Fee Paid		Independent	Multiple Dependent							04/03/2003 MA 18013	00000007 180013	09641667																																																																																																																																																																	
Total Claims		Extra Claims		Fee from below		Fee Paid																																																																																																																																																																															
Independent	Multiple Dependent																																																																																																																																																																																				
04/03/2003 MA 18013	00000007 180013	09641667																																																																																																																																																																																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>280</td><td>2203</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL (2)</td> <td>(\$)</td> <td>0.00</td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	84	2201	42	Independent claims in excess of 3		1203	280	2203	140	Multiple dependent claim, if not paid		1204	84	2204	42	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)				(\$)	0.00																																																																																																																																						
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																		
1202	18	2202	9	Claims in excess of 20																																																																																																																																																																																	
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																																																																	
1203	280	2203	140	Multiple dependent claim, if not paid																																																																																																																																																																																	
1204	84	2204	42	** Reissue independent claims over original patent																																																																																																																																																																																	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																	
SUBTOTAL (2)				(\$)	0.00																																																																																																																																																																																
**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																					
Other fee (specify) *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 985.00																																																																																																																																																																																					

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	James F. Kemp	Registration No. (Attorney/Agent)	41,882
Signature		Telephone	(248) 594-0656
		Date	March 27, 2003

Fee Transmittal I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, to Examiner Cheu; facsimile no. 703-308-4556, on the date shown below. Dated: March 27, 2003 Signature: <u>Wendy A. Balaban</u> (Wendy A. Balaban)	
---	--